



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

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Re: 3d

VIA TELEFACSIMILE
AND FIRST CLASS MAIL

ORIGINAL
(Re)

November 8, 1991

Laurence L. Kirsch, Esq.
Cadwalader, Wickersham & Taft
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Re: Salford Quarry

Dear Larry:

When we last spoke, I informed you that I would be handling this matter on an interim basis while Charles Hayden was out of the office. Subsequent to Mr. Hayden's return, and due to the number of pressing matters that necessitate his attention, I have been assigned to this matter on a permanent basis as the case attorney.

While our previous dialogue has been brief, I am pleased that National Gypsum has expressed a desire to work with the Agency in dealing with issues of concern to the residents surrounding the Salford Quarry Site. It is my understanding that the EPA Project Manager and a field unit are currently performing additional investigative work. It is EPA's understanding that National Gypsum is committed to continuing to provide bottled water to those area residents who have requested the same and that Environ is investigating remedial drinking water alternatives. David Sternberg informs me that he has been in working contact with Russ Ward in order to keep community members fully advised of the circumstances as they are currently known.

While EPA is pleased with National Gypsum's current efforts to work with EPA in this matter, additional response actions will be necessary to effectively protect the health of those residents at and near the Salford Quarry Site. Such actions must include delineation of the affected areas and implementation of appropriate corrective measures. EPA has informed National Gypsum that the Agency is prepared to use its available enforcement authorities to insure expeditious implementation of appropriate short and long term measures which are not specifically addressed within the existing Agreement between American Olean Tile Company, Inc. and EPA. In response to EPA inquiry, National Gypsum has expressed a willingness to discuss modifications to the existing Consent Agreement with EPA as a means to address National Gypsum's obligations to Salford Quarry area residents.

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The latest groundwater sampling analytical results clearly establish the presence of elevated levels of boron in residential wells at various locations. The sampling results also indicate that the parameters of the boron contaminated groundwater plume have not been fully delineated and that significant additional sampling will be required in order to determine the nature and extent of groundwater contamination from the Site. These results further lead to the conclusion that the Remedial Investigation Site Operations Plan ("RISOP") submitted by National Gypsum to EPA pursuant to the Consent Agreement, is deficient in that the current Plan does not fulfill the Consent Agreement requirement that "[t]he RISOP will specify, at a minimum, the number, time, location, and manner of soil, air, surface water and groundwater samples to be taken, which shall be sufficient to determine the nature and extent of the threat presented by the release of hazardous substances or pollutants or contaminants at the Salford Quarry Site and to evaluate proposed remedies." As a result, the EPA Project Manager is working with representatives of the Agency and National Gypsum to devise an appropriate sampling plan and to assist in the development and evaluation of proposed remedies.

In order for EPA to provide the necessary public assurance that the Agency is working to ensure that human health and environmental concerns are fully investigated and appropriately addressed, EPA has clearly advised National Gypsum that all activities related to this Site ultimately must be performed pursuant to EPA approved workplans which must be incorporated into an EPA enforceable agreement or order. In this regard, the current Agreement already provides an existing legal framework to address this need. It is therefore EPA's belief that amending the existing agreement and current workplans to include those additional provisions deemed necessary to protect human health and the environment, including further investigative work and subsequent development and implementation of appropriate remedial options, offers the most practical means to legally and substantively address this matter.

It is my concern, however, that some period of time will necessarily pass before potential amendments to the Consent Agreement and related workplans are fully developed, discussed and executed. In light of the ongoing bankruptcy proceeding, you have indicated that the proposals contained herein must receive prior bankruptcy committee approval before National Gypsum may enter into any negotiated agreement with EPA. Additionally, there is always the possibility that National Gypsum may elect not to accept proposals deemed essential by EPA, thereby necessitating the need for EPA to use other available enforcement authorities. With this in mind, and in order to fulfill its obligations to the public, EPA must receive certain assurances from National Gypsum prior to proceeding along the course outlined above. Therefore, in the interim time frame, EPA must seek formal written assurances from National Gypsum that all appropriate measures are, and will continue to be, taken to protect the health of area residents. In

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this regard, the Agency requests that an authorized National Gypsum representative formally provide the Agency with a written assurance, prior to November 20, 1991, that National Gypsum will continue to perform the following activities:

- continue to make bottled water available to all residents whose wells have been adversely impacted with boron and to supply bottled water to all residents who request the same;
- performance of a continuing well survey to identify all potable wells in and surrounding the Salford Quarry area and within the extent of contamination area;
- supply EPA with updated lists of potable wells in the area, including the names, address and telephone numbers of all area residents owning and using potable wells;
- perform additional sampling and analysis to delineate the extent of the plume of contamination surrounding the site (NOTE: while EPA has provided ENVIRON's Bob North with a map listing those wells at which the next round of sampling should be performed, it is likely that additional sampling will be required in order to effectively delineate the plume of boron contamination);
- continue the investigation into procurement and/or development of a water treatment/filtration system capable of removing boron from residential wells;
- In coordination with the EPA office of Public Affairs, advise all area residents living in known or suspected areas of boron well water contamination as to the results of recent sampling events and the actions to be taken in their areas;
- continue the investigation into, and evaluation of, alternative remedial measures to address the threat presented to human health and the environment;
- provide proposed implementation schedules for all activities identified above for EPA review, comment, modification and approval;
- perform all activities identified above concurrently with RI/FS activities.

Upon receipt of these assurances from National Gypsum, I believe that amending the existing Consent Agreement and the workplans provided thereunder will provide the most efficient and expeditious means of defining and implementing the activities which must proceed at and surrounding the Site. EPA does not envision the need for extensive modifications of the existing Agreement. Those provisions which will require modification include the

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following:

- modification of the Jurisdiction, Conclusions of Law and Determinations Sections to include 106 CERCLA authority;
- modification of the Findings of Fact to include the results of the outstanding ATSDR report;

The existing Remedial Investigation Site Operations Plan ("RISOP"), however, must be amended, to a significant degree, so as to fulfill the requirements delineated in the Consent Agreement. The amendment must contain, among other things:

- additional plans for boron and TCE sampling and analysis of off-site wells, which must propose, at a minimum, the number, time, location, and manner of additional soil, air, surface water and groundwater samples that must be taken in order to delineate the plume of groundwater contamination from the Site and to determine the nature and extent of the threat presented (NOTE: it is probable that such plans may undergo revision as additional analytical information becomes available);

- specific plans for the provision of emergency water supplies for all private wells currently used for human consumption which, when sampled in accordance EPA protocols, exceed the levels of concern for boron and TCE as set forth in the pending ATSDR report. Such emergency water supplies shall be suitable for implementation immediately upon receipt of such sample results and shall be delivered directly to the residences affected, if accepted;

- the amended plan shall identify all contractors and suppliers of water that will be employed in the procurement, production, transportation, and distribution of alternative and emergency water supplies.

- plans for a complete survey of all wells currently in use for human consumption (public and private) within the Salford Quarry area. For each well, the survey shall include, where available, the location, depth and other physical parameters as well as existing water quality data. The locations of these wells are to be plotted on a map of the area. This survey is to be completed within an expedited time frame, which shall be established upon further consultation;

- a preliminary proposal setting forth those remedial measures which are being investigated and evaluated, which shall include, but not be limited to proposals for the provision of water treatment/filtration systems and permanent alternative water supplies, accompanied by long term maintenance proposals, for all wells which have been sampled previously

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and which are to be sampled pursuant to the amended RISOP, and found to have levels of contamination exceeding those levels of concern which shall be established pursuant to the pending ATSDR report.

The above list of activities is intended to provide you with an advance indication of the nature and extent of the site-related work anticipated by EPA, EPA's desire to work within the existing legal framework, and those proposed modifications to the Consent Agreement and workplans deemed necessary by EPA. I also believe that the above will provide you with the information you will need to present to the creditors' committee. EPA is requesting National Gypsum's prompt response to the above, including certain written assurance, as set forth above, prior to November 20, 1991.

I will be in contact with you early next week to further discuss the above. I also want to take this opportunity to notify you that either Charles Hayden or myself will be responding, in writing, to Susan Protocols's letter of October 2, 1991 and your recent letter of November 7, 1991.

Sincerely,


A.J. D'Angelo
Assistant Regional Counsel

cc. Bill Early
Seth Low
Ceasar Lee
Jack Owens

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